

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VINCENT CARDOVA, SR.,

Plaintiff,

v.

WASHOE COUNTY SHERIFF
DEPARTMENT et al.,

Defendants.

3:16-cv-00335-MMD-VPC

ORDER

I. DISCUSSION

On June 16, 2016, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 but did not file an application to proceed *in forma pauperis* or pay the filing fee for this action. (ECF No. 1, 1-1). On June 20, 2016, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or to pay the full \$400 filing fee for a civil action. (ECF No. 3 at 2). On June 27, 2016, Plaintiff filed an application to proceed *in forma pauperis*. (ECF No. 4). This application is incomplete.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an inmate account statement.¹ (See ECF No. 4). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1),

¹ The Court acknowledges that Plaintiff has attached an order from the Second Judicial District Court granting him *in forma pauperis* status. (ECF No. 4-1). However, Plaintiff must file a fully complete application to proceed *in forma pauperis* on this Court's approved form with attachments in order to be granted *in forma pauperis* status in this Court.

1 but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be
2 granted one final opportunity to cure the deficiencies of his application to proceed *in forma*
3 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file
4 a new application to proceed *in forma pauperis* he must file a fully complete application to
5 proceed *in forma pauperis*. If Plaintiff files another incomplete application to proceed *in forma*
6 *pauperis*, the Court will dismiss the case in its entirety, without prejudice, to file a new case
7 when Plaintiff is able to acquire the necessary documents to file a complete application to
8 proceed *in forma pauperis*.

9 **II. CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
11 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

12 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
13 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
14 entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
16 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
17 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
18 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
19 administrative fee).

20 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
21 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
22 new case when he is able to acquire the necessary documents to file a complete application
23 to proceed *in forma pauperis*.

24 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
25 dismissal of this action may result.


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1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
2 No. 1-1), but shall not file it at this time.

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4 DATED: This 5th day of July, 2016.

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6 United States Magistrate Judge
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